

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>BENNIE E. BARNES,</b>	)	
<b>Plaintiff</b>	)	
v.	)	<b>C.A. No. 05-112 Erie</b>
	)	<b>District Judge McLaughlin</b>
<b>STATE OF PENNSYLVANIA, et al.,</b>	)	<b>Magistrate Judge Baxter</b>
<b>Defendants.</b>	)	

**ORDER**

AND NOW, this 29<sup>th</sup> day of November, 2005;

In light of this Court's Report and Recommendation filed on this date, IT IS HEREBY ORDERED that Defendant State of Pennsylvania's Motion to Dismiss [Document # 10], Plaintiff's "Motion to Correct/Amend Complaint and Motion for Extension of Time to File Response/Reply" [Document # 13] and Plaintiff's Motion to Extend Time [Document # 14] are dismissed as moot.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Local Rule 72.1.3 B. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

S/Susan Paradise Baxter  
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SUSAN PARADISE BAXTER  
Chief U.S. Magistrate Judge

cc: All parties of record